

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Lyle E. Devore, Jr., et al	Group Art Unit: 2173
Serial No.: 10/674,127	Examiner: Watt, Chris A.
Filed: 9/29/03	Attorney Docket: 2063.013800
For: Method And Apparatus For Status Display With Intermediate Database Access	Client Docket: VS-00608C
	Confirmation #: 4275

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated April 3, 2008.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2063.013800.

**I. COMPLIANCE OF THE "APPEAL BRIEF"  
WITH APPLICABLE REGULATIONS**

On November 8, 2007, the Office mailed a "Notice of Non-Compliant Appeal Brief". Applicants responded on October 10, 2007, that the "Appeal Brief" did, in fact, comply with all regulatory requirements. Applicants have not yet received any indication of the disposition of that response, and the issue was not addressed in the "Examiner's Answer". In the absence of notification to the contrary, Applicants assume that the Office has withdrawn the assertion of non-compliance and that the Appeal Brief fully complies with the Rules of Practice.

## II. THE CITED ART OMITTS ANY “INTERMEDIATE DATABASE”

The only one of Applicants’ allegations that the Office chose to directly address in the “Response to Arguments” section of the “Examiner’s Answer” is the absence of an “intermediate database.” Applicants argued:

Each of the independent claims recites “an intermediate database” or an “intermediate datasource.” Each of the dependent claims incorporates this limitation by virtue of their dependency. 35 U.S.C. §112, ¶4. Neither Polizzi *et al.*, nor Cadiz *et al.*, nor the two in combination, teaches or suggests “an intermediate database” or “an intermediate datasource”. Thus, they do not render any claim obvious.

(“Appeal Brief”, p. 12) The Office, citing U.S. Patent Publication 2002/0186257 (“Cadiz *et al.*”), responded:

Caidz [*sic*] teaches an intermediate data source because its ticket database is an intermediate source. (see figure [*sic*] 2. [*sic*] item 210; paragraph 0079) Caidz’s [*sic*] ticket database is a transitional database that links remote information database (see Cadiz’s paragraph 0080; figure [*sic*] 2, item 240) with software application that provides display to end users. (see Cadiz’s paragraph 0082) Similarly, appellants’ [*sic*] intermediate database also is a transitional database that links remote databases to an interface application. (see appellant’s [*sic*] specification paragraph 0096-97) Therefore Caidz’s [*sic*] ticket database is clearly an intermediate database/data source.

(“Examiner’s Answer”, p. 33)

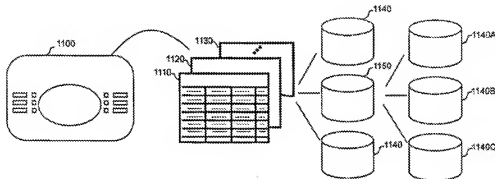
The “intermediate data source”/“intermediate database” is most cogently discussed in Applicants’ specification at ¶[0099]:

As an alternative to the structure illustrated in FIG. 10A, an embodiment of the present invention can also be implemented in a tiered database structure such as conceptually illustrated in FIG. 10B. FIG. 10B generally illustrates a dash 1100 which provides links to a series of information screens 1110, 1120, 1130 which are supplied with data from direct databases 1140 as well as an intermediate database 1150 (which may alternatively be referred to as a “datasource”). *Significantly, intermediate database 1150 is, in turn, linked to additional direct databases 1140A, 1140B, and 1140C. In this structure, information from direct databases 1140A, 1140B, and 1140C can be extracted and imported into intermediate database 1150. Alternatively, information from direct*

*databases 1140A, 1140B, and 1140C can be linked or streamed into intermediate database 1150.*

(emphasis added) FIG. 10B is reproduced below.

**FIG. 10B**



Thus, the “intermediate data source” is one that provides copies of information found in the native databases 1140A – 1140C, either by population from the native databases 1140A – 1140C or by linking or streaming from them. The Office points to the “ticket database” of Cadiz as a “intermediate data source”. Cadiz describes the “ticket database” as follows:

...In addition, in one embodiment, the ticket manager module 320 provides a library of predefined tickets for user selection, modification, or sharing. For example, *in one embodiment, a ticket database for individual users is pre-populated with a set of exemplary, fully functional tickets that a user can select from in creating a personal profile of tickets.* Such tickets may include, for example, generic person tickets, weather conditions, generic appointment profiles, schedules, statistical information, stock quotes, traffic information, or any other information that may be of interest to a user. Once tickets have been identified, created, modified, etc. the ticket manager module 320 pairs each ticket with an appropriately identified viewer to create the aforementioned items 200.

(¶[0112], emphasis added) Thus, the “ticket database” does not contain data—it instead contains templates that can later be filled with data. It also does not contain information from other databases. Thus, the Office’s characterization of the “ticket database” as “transitional” or “intermediate” is refuted by Cadiz on its face.

The Office also seems to identify element 210 of Figure 2 (reproduced below), described in ¶[0079], as an “intermediate data source”. This is uncertain, because the Office affirmatively states that the “ticket database” is the “intermediate data source” and then cites element 210 of Figure 2, as described in ¶[0079], to support the assertion. However, the element 210 is a “ticket”, and not a “ticket database”. The “ticket database,” in fact, is nowhere shown.

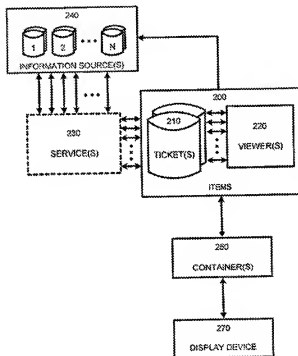


FIG. 2

However, the “ticket” 210 is a data destination, not a data source. The “ticket” is the means by which retrieved information is communicated to the user:

*These dynamic thumbnails or “items” generally comprise a combination of a “ticket” describing the information or contact of interest and a specialized “viewer” for displaying whatever information or communications contact is represented by the ticket. ...The system and process of the present invention then either automatically tracks or receives the current state of the information and communications contacts described by the tickets, and dynamically provides current information as well as availability and status of the communications contacts in an interactive “peripheral awareness” interface for displaying the items. The peripheral awareness interface displays information*

and/or communications contacts in such a way as to minimize any potential distraction or interruption to the user.

(¶[0017], emphasis added) Thus, the “ticket” actually more of a “display screen” than it is an “intermediate data source”.

Thus, when Cadiz is properly construed, it fails to disclose an “intermediate database” or “intermediate data source” as is recited in the independent claims and incorporated into the dependent claims. There is no allegation that the other art of record remedies this error. Accordingly, the art of record fails to render obvious any claim. M.P.E.P. § 706.02(j); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

### III. CONCLUSION

Thus, in response to the Examiner’s Answer, the art of record fails to teach or suggest “an intermediate database” or “an intermediate datasource”. The Office no longer maintains that U.S. Patent Publication No. 2002/0052954 (“Polizzi *et al.*”) teaches such and has impliedly conceded that it does not. The Office alleges the Cadiz *et al.* does. But, as is established above, Cadiz *et al.* in fact only teaches directly accessing multiple, different datasources. Thus, Polizzi *et al.* and Cadiz *et al.* do not render obvious any of claims 10-11, 16-18, 20-23, 25-30, 34-41, 43-44, and 48-70. M.P.E.P. § 706.02(j); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Wherefore, Applicant prays that all rejections be **REVERSED**, and the claims allowed to issue.

Respectfully submitted,

Date: June 3, 2008

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